



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

DMR 10

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Tel: (031) 335 9600, Fax: (031) 305 5801 Email: karoon.moodley@dmr.gov.za

Reference: KZN30/5/1/1/2/00078BP Enquiries: Mr. K.G Moodley

**BY HAND**

THE MANAGER  
ESKOM HOLDINGS SOC LIMITED  
MEGAWATT PARK  
MAXWELL DRIVE  
SUNNINGHILL  
2146

Attention: Mr. Nandha Govender

Email: govendna@eskom.co.za

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 (AS AMENDED) FOR PROPOSED REHABILITATION AND A PHYTOREMEDIATION PLANTATION AT THE ESKOM KILLBARCHEN COLLIERY ON PORTION 12, PORTION 15, REMAINING EXTENT, PORTION 6, PORTION 16, AND PORTION 20 OF THE FARM KILBARCHEN NO.2969 AND THE REMAINING EXTENT OF PORTION 3 OF THE FARM TIGERKLOOF NO.3333 WITHIN THE AMAJUBA DISTRICT MUNICIPALITY IN KWAZULU NATAL.

With reference to the abovementioned application for an environmental authorisation, please be advised that the Department of Mineral Resources as Competent Authority has decided to **grant** an environmental authorisation in terms of the National Environmental Management Act (Act 107 of 1998, as amended) and the associated Environmental Impact Assessment Regulations, 2014 (as amended) to Eskom Holdings SOC Limited.

In terms of Regulation 15 of the NEMA EIA Regulations, 2014 an Environmental Assessment Practitioner (EAP) must identify whether a basic assessment or scoping & EIR process must be applied to the application taking into account any notices published in terms of section 24D of the Act. As per the application form received on 15<sup>th</sup> December 2016, your EAP (Digby Wells and Associates (South Africa) (Pty) Ltd) has identified that a basic assessment process must be applied.

The following listed activities in Listing Notice 1 (GNR 983) of the EIA Regulations were identified:

Activity 19:

<b>19.</b>	<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <ul style="list-style-type: none"><li>(i) a watercourse;</li><li>(ii) the seashore; or</li><li>(iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater—</li></ul> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"><li>(a) will occur behind a development setback;</li><li>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or</li><li>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.</li></ul>
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Activity 30

<b>30.</b>	<p>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>
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The EA is granted for Activity 30 as Activity 19 is not triggered.

**The maintenance of historic rehabilitation measures completed on the discard dump, open Pit area 1C and 2 and on the East and West landfill sites should form part of a maintenance management plan.**

In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant information regarding the lodgement of an appeal must be provided as per the provisions of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (KwaZulu Natal Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as prescribed below:

**Appeal to the Department of Environmental Affairs:**

**Attention** : Directorate Appeals and Legal Review

**Email** : [appeals@environment.gov.za](mailto:appeals@environment.gov.za)

**By post** : Private Bag X 447,  
**Pretoria**  
0001

**By hand** : Environmental House,  
473 Steve Biko Road  
Arcadia,  
**Pretoria,**  
0083

**Copy of the lodged appeal to the Department of Mineral Resources:**

**Attention** : Regional Manager: KwaZulu Natal Region

**By facsimile** : (031) 301 6950


**E-mail** : Shonisani.Manyaga@dmr.gov.za

**By post** : Private Bag X54307, **Durban**, 4000

**By hand** : 333 Anton Lembede Street, 3<sup>rd</sup> Floor Durban Bay House,  
Durban, 4000

In the event that you decide to appeal the decision, you must comply with the National Appeal Regulations of 2014 in relation to notification of all registered interested and affected parties. A copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Yours Sincerely

  
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REGIONAL MANAGER: MINERAL REGULATION  
KWAZULU NATAL REGIONAL OFFICE  
DATE: 17/11/2017 \_\_\_\_\_